

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Joshua Seager
Plaintiff

Case No:
15 U.S.C. 1692 Fair Debt Collection Practices
Act ("FDCPA")

vs.

National Credit Works Inc.

Defendant(s)

COMPLAINT

NOW COMES the above-named Plaintiff, **Joshua Seager**, by his attorneys, **VAITYS LAW LLC**, and bring a Complaint against the above captioned Defendant(s), **National Credit Works Inc.**, and hereby shows to the court as follows upon information and belief that on several occasions, in July and August of 2010 and thereafter that the above named Defendant(s), National Credit Works Inc. and/or others working on **Defendant's** behalf violated the following provisions of federal law, namely 15 U.S.C. 1692(b) Fair Debt Collection Practices Act ("FDCPA") and states upon information and belief to the Court as follows:

PARTIES

1. That **Joshua Seager** is a real and natural person and is a resident of the State of Wisconsin with a domicile at 524 Shellbourne Ct. Racine WI 53402 and is a Plaintiff to this current action.
2. That **National Credit Works** is a bill collection agency, law firm and/or other legal entity or set of entities, organized under the laws of the State of New York and has a principal place of business at 2098 Bowen Drive E Tonawanda New York 14120 and is/are Defendants to this action.

3. That Gregory G. Emminger is listed as the Chief Executive Officer of record with an address of 2098 Bowen Drive E Tonawanda New York 14120 and is/are Defendants to this action.
4. That DuWayne and Evie Borchardt are the parents of **Joshua Seager**.

FACTS

5. That on or about the week of July 5th 2010, an agent or agents of **National Credit Works** called Plaintiff **Joshua Seager** neighbor on one or more occasions.
6. That this agent for **National Credit Works** identified themselves to the parents of Plaintiff **Joshua Seager** on several occasions.
7. That **National Credit Works** was immediately made aware by **Joshua Seager's** parents that he was not a member of the household and that the phone number in question was not his phone number and that they lived at an address separate and apart from the Plaintiff.
8. That immediately thereafter, and during the course of each and every conversation, **Joshua Seager's** parents were told that **Yolanda San Miguel** faced important legal issues and faced legal consequences regarding debts.
9. That on every occasion soon after each call **Joshua Seager's** parents informed Plaintiff of the conversation(s) with the agents of **National Credit Works**.
10. That on each and every occasion **Joshua Seager** felt an immediate sense of shock and embarrassment upon hearing what had transpired from her neighbor.

VIOLATIONS OF U.S.C. 1692 Fair Debt Collection Practices Act ("FDCPA")

11. That Plaintiff **Joshua Seager** adopts and realleges Counts 1-10 as though fully set out herein.

12. That **National Credit Works** violated 15 U.S.C. 1692c(a)(1)- Contacting the Consumer at any Unusual Time or Place (namely here the unusual place was Plaintiffs neighbor);
13. That **National Credit Works** violated 15 U.S.C. 1692c(b) by informing Plaintiff's neighbor of the debt and of "pending legal issues" despite the neighbor informing **National Credit Works**, beforehand, that it was not Plaintiff's residence or phone number.
14. That **National Credit Works** violated 15 U.S.C. 1692c(a)(3) Caused the Phone to Ring and Repeatedly Engaged in Telephone Conversations.
15. As a result of the foregoing violations of the FDCPA, Defendants are liable to the Plaintiff, for judgment, declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and actual and reasonable attorney's fees.

WHEREFORE, Plaintiff **Joshua Seager**, respectfully requests that judgment be entered against Defendant(s) **National Credit Works** for violations of the FDCPA, actual damages, statutory damages, and costs and actual and actual and reasonable attorney's fees and for whatever other relief this Honorable Court deems just

Dated this 27th of August 2010

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